

EDNY
04-cv-1809



UNITED STATES COURT OF APPEALS
SECOND CIRCUIT COURT OF APPEALS

X

JAVAID IQBAL,

Plaintiffs-Appellees,

STIPULATION WITHDRAWING
APPEAL FROM ACTIVE
CONSIDERATION

-against-

Docket Nos.05-5844-cv (L);
05-6358-cv (CON); 05-6386-cv (CON)

MICHAEL COOKSEY, ET AL.,

Defendants-Appellants.

X

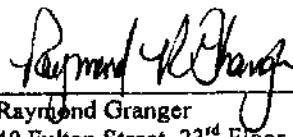
The undersigned counsel hereby stipulate that the above-captioned appeal is hereby withdrawn from active consideration before the Court, such withdrawal to be without prejudice to reactivation by appellant's counsel by written notice to the Clerk of this Court by November 27, 2009.

The reason for the withdrawal is because a settlement has been reached in principle between appellee Javaid Iqbal and defendant United States. One of the conditions of settlement is the dismissal of appellee's claims against all defendants, including the within appellants.

If not reactivated by November 27, 2009, the appeal is subject to dismissal with prejudice and without costs or attorneys fees incurred to date. See Hertzner v. Henderson, 292 F.3d 302, (2d Cir. 2002). Withdrawal of the appeal from active consideration shall not operate as a dismissal of the appeal under FRAP 42(b).

Dated: September 29, 2009

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New York, NY 10038

-1-

CERTIFIED:

10/7/09

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Plaintiffs-Appellees,

-against-

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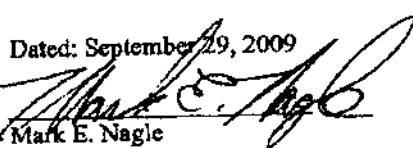
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SO ORDERED:

10/7/09
Date

FOR THE COURT:
CATHERINE O'HAGAN WOLFE,
By: Joy Fallek
Joy Fallek, Administrative Attorney

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk
by M. L. M. DEPUTY CLERK